

Application No. 10/763,610  
Amendment Dated October 15, 2005  
Reply to Office Action of April 15, 2005

**Amendments to the Claims:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims:**

Claim 1 (currently amended) – A rotatable setting device for an article of jewelry, comprising in combination:

a casing having an encompassing sidewall defining a hollow casing interior, said sidewall having a bottom peripheral end defining an open bottom end and an upper peripheral end transitioning into a top with an opening therein, said top comprised of an interior rim surrounding said opening and having a bottom rim surface leading to said hollow casing interior;  
~~leading to said hollow casing interior and said sidewall further including a bottom peripheral edge defining an opened bottom end in open communication with said hollow casing interior;~~

a rotating gem retaining means at least partially received within said hollow casing interior of said casing and including an upper portion for securely retaining a gem having ~~a pavilion and a crown with its crown being~~ visible through said opening of said top of said casing;

said rotating gem retaining means further including a lower portion comprised of an elongated member ~~having an upper end operatively coupled to a bottom of said upper portion of said gem retaining means and~~ axially extending away from said upper portion of said gem retaining means and terminating into a tapered lower end;

a plurality of radially extending protrusions disposed within said hollow casing interior and rotatably coupled to said bottom rim surface of said casing and operatively coupled

Application No. 10/763,610  
Amendment Dated October 15, 2005  
Reply to Office Action of April 15, 2005

to said rotating gem retaining means; and ~~at a location proximate a bottom surface of said top of~~  
~~said casing;~~

a bottom member operatively coupled across said opened bottom end of said casing and having an upper surface with a notch formed therein for ~~rotatable~~ rotatably receiving said tapered ~~[[tip]]~~ lower end of said elongated member therein and for rotatably biasing said plurality of radially extending protrusions with said bottom rim surface ~~of said top~~ of said casing for rotatably setting the gem retaining means and gem for providing gem rotation visible through said opening in said top of said casing ~~[[and]]~~ in response to movement ~~by a wearer of an article of jewelry comprised~~ of said rotatable setting device.

Claim 2 (currently amended) - The ~~article of jewelry~~ device of Claim 1 wherein said upper portion of said gem retaining means is comprised of a plurality of prong members including at least one pair of substantially diametrically opposed prong members having a first prong member substantially diametrically opposed to a second prong member.

Claim 3 (currently amended) - The ~~article of jewelry~~ device of Claim 2 further including a pair of weighted members including a first weighted member operatively coupled to said first prong member and a second weighted member operatively coupled to said second prong member for defining a pair of substantially diametrically opposed weighted members working in combination with gravity and movement of said jewelry article by the wearer for providing gem rotation visible through said opening in said top of said casing.

Claim 4 (currently amended) - The ~~article of jewelry~~ device of Claim 1 further including at least one weighted member operatively coupled to said upper portion of said gem retaining

Application No. 10/763,610  
Amendment Dated October 15, 2005  
Reply to Office Action of April 15, 2005

means and working in combination with gravity and movement of said jewelry article by the wearer for providing gem rotation visible through said opening in said top of said casing.

Claim 5 (currently amended) – The ~~article of jewelry~~ device of Claim 4 wherein said casing has an integral interior rim surrounding said top opening, said rim having a bottom surface defining a raceway against which said protrusions are rotatably biased with said raceway during gem rotation due to said at least one weighted member working in combination with gravity and movement of said jewelry article by the wearer for providing gem rotation visible through said opening in said top of said casing.

Claim 6 (currently amended) – The ~~article of jewelry~~ device of Claim 5 wherein said bottom surface of said rim is recessed upwardly forming a curved protrusion in a top surface of said top of said casing which circumscribes said top opening.

Claim 7 (currently amended) – The ~~article of jewelry~~ device of Claim 6 wherein said top surface of said top of said casing is decorative.

Claim 8 (currently amended) – The ~~article of jewelry~~ device of Claim 7 wherein said gem retaining means is comprised of a base and a plurality of prong members defining a prong setting, said base defines a central region with a central axis running therethrough and said prong members having spaced apart lower ends integrally formed with said base member and upwardly extending from said base member in a spaced apart relationship with respect to one another and at an angle with respect to the central axis of the base member and terminating into radiused upper ends such that said plurality of prong members are arranged about the central axis to correspond with gem shape.

Application No. 10/763,610  
Amendment Dated October 15, 2005  
Reply to Office Action of April 15, 2005

Claim 9 (currently amended) – The ~~article of jewelry~~ device of Claim 8 wherein each of said plurality of prong members includes a notch located on an interior side of said upper ends of said plurality of prong members for operatively mating with a girdle of the gem for providing secure gem retention.

Claim 10 (currently amended) – The ~~article of jewelry~~ device of Claim 9 wherein said elongated member is integrally formed with said base member ~~at said upper end~~ and axially extends away from an underside of said base member along the central axis and terminates into said tapered lower end.

Claim 11 (currently amended) – The ~~article of jewelry~~ device of Claim 10 wherein said bottom member is comprised of an elongated bar member operatively coupled across said opened bottom end of said casing such that light can shine through ~~[[the]]~~ a pavilion of the gem via the opened bottom end of the casing for dispersion viewing through the crown and wherein said elongated bar member includes said notch formed therein for rotatably receiving said tapered ~~[[tip]]~~ lower end of said elongated member therein and for rotatably biasing said plurality of protrusions against said bottom surface of said rim of said casing for providing gem rotation in response to movement of said rotatable setting device. ~~jewelry article by a wearer.~~

Claim 12 (currently amended) – A rotatable setting device for an article of jewelry, comprising in combination:

a rotating gem retaining means comprised of a base, a plurality of spaced apart prongs members connected to and upwardly extending away from said base for securely retaining a gem having a pavilion and a crown;

Application No. 10/763,610  
Amendment Dated October 15, 2005  
Reply to Office Action of April 15, 2005

said rotating gem retaining means further comprised of an elongated member connected to and downwardly extending away from said base and terminating into a tapered [[lower]] tip;

a casing having an encompassing sidewall circumscribing said rotating gem retaining means and defining a hollow casing interior, said sidewall having an upper peripheral end transitioning into a top with an opening therein, said top comprised of an interior rim surrounding said opening and having a bottom rim surface leading to said hollow casing interior such that the crown of the gem is visible through said opening of said top of said casing and said sidewall further including a bottom peripheral edge defining an opened bottom end in open communication with said hollow casing interior;

a plurality of cylindrical protrusions disposed within said hollow casing interior and rotatably coupled to said bottom rim surface and operatively coupled to said plurality of spaced apart prong members; ~~and axially extending away from said plurality of spaced apart prong members at a location proximate a bottom surface of said top of said casing;~~

said plurality of spaced apart prong members including at least one pair of substantially diametrically opposed prong members comprised of a first prong member and a second prong member;

a pair of weighted members including a first weighted member operatively coupled to said first prong member and a second weighted member operatively coupled to said second prong member for defining a pair of diametrically opposed weighted members;

a bottom member operatively coupled across said opened bottom end of said casing and having an upper surface with a notch formed therein for rotatably receiving said tapered tip of said elongated member therein and for rotatably biasing said plurality of cylindrical protrusions against said bottom surface of said top of said casing for rotatably setting the rotating gem retaining means and gem for working in combination with gravity acting on said pair of diametrically opposed weighted members and movement ~~by a wearer of a jewelry article~~ ~~comprised~~ of said rotatable setting device for providing gem rotation visible through said opening in said top of said casing.

Claim 13 (currently amended) – The rotatable ~~jewelry~~ setting device of claim 12 wherein ~~said casing has an integral interior rim surrounding said top opening, said rim having a bottom surface defining~~ defines a raceway against which said cylindrical protrusions are rotatably biased with during gem rotation due to said pair ~~said pair~~ of diametrically opposed weighted members working in combination with gravity and movement of said rotatable jewelry setting device ~~by the wearer~~ for providing gem rotation visible through said opening in said top of said casing.

Claim 14 (currently amended) – The rotatable ~~jewelry~~ setting device of claim 13 wherein said bottom surface of said rim is recessed upwardly forming a curved protrusion in a top surface of said top of said casing which circumscribes said top opening.

Claim 15 (currently amended) – The rotatable ~~jewelry~~ setting device of claim 12 wherein said sidewall of said casing includes at least one opening extending therethrough for allowing light to pass into said hollow interior of said casing.

Claim 16 (currently amended) – The rotatable jewelry setting device of claim 12 wherein said sidewall of said casing tapers from top to bottom providing a top diameter that is larger than a bottom diameter of said casing.

Claim 17 (currently amended) – The rotatable jewelry setting device of claim 12 wherein said protrusions are cylindrical balls.

Claim 18 (currently amended) – The rotatable jewelry setting device of claim 12 wherein said protrusions are radially outwardly and axially upwardly extending appendages.

Claim 19 (currently amended) – A method for making a rotatable setting device for jewelry, the steps including:

providing a hollow casing having an encompassing sidewall defining a hollow casing interior, the sidewall having a bottom peripheral end defining an open bottom end and an upper peripheral end transitioning into a top with an opening therein, said top comprised of an interior rim surrounding said opening and having a bottom rim surface defining a raceway leading to said hollow casing interior; ~~leading to the hollow casing interior and the sidewall further including a bottom peripheral edge defining an opened bottom end in open communication with the hollow casing interior;~~

providing a rotating gem retaining means comprised of a base, a plurality of spaced apart prongs members upwardly extending away from the base for securely retaining a gem having a pavilion and a crown, and an elongated member downwardly extending away from the base and terminating into a tapered lower tip;

inserting the rotating gem retaining means through the opening in the top of the casing and positioning at least a portion of the rotating gem retaining means within the interior of the casing such that upper portions of the plurality of prong members protrude through the opening in the top of the casing to an exterior of the casing;

retaining the positioning and marking each of the plurality of spaced apart prongs members to which a protrusion is to be attached at a location directly underneath the bottom rim surface defining the raceway ~~an under-side~~ of the top of the casing proximate the opening in the top and then removing the rotating gem retaining means from the casing;

coupling a protrusion to each marked prong at approximately each marked location;

coupling at least one weighted member to at least one of the plurality of the prong members below each coupled protrusion;

inserting the rotating gem retaining means through the opened bottom end and into the hollow casing interior such that the upper portions of the plurality of prong members protrude through the opening in the top of the casing to the exterior of the casing and such that each coupled protrusion is disposed within said hollow casing interior and is rotatably coupled to the bottom rim surface defining the raceway;

providing a bottom member having an upper surface with a notch formed therein for rotatable receiving the tapered tip of the elongated member therein;

coupling the bottom member across the opened bottom end of the casing making sure that the tapered tip of the elongated member is rotatably received within the notch of the



Application No. 10/763,610  
Amendment Dated October 15, 2005  
Reply to Office Action of April 15, 2005

bottom member and that each coupled protrusion is ~~spaced from the under side~~ rotatably coupled to the bottom rim surface defining the raceway of the top of the casing proximate the opening for rotatable setting the gem retaining means and gem for providing gem rotation visible through said opening in the top of said casing in response to movement of the rotatable setting device. ~~in response to gravity on at least the weighted means and movement of an article of jewelry comprised of the rotatable setting device 10 by the wearer for providing gem rotation visible through the opening in the top of the casing.~~

Claim 20 (currently amended) – The method of claim 19 wherein the step of coupling at least one weighted member to at least one of the plurality of the prong members ~~below each coupled protrusion~~ includes the step of coupling a pair of weighted members including a first weighted member operatively coupled to one of the plurality of prong members and a second weighted member operatively coupled to another substantially diametrically opposed prong members for defining a pair of substantially diametrically opposed weighted members working in combination with gravity and movement of the rotatable setting device ~~the jewelry article by the wearer~~ for providing gem rotation visible through the opening in the top of the casing.